

**Town of Kinderhook
Planning Board Meeting
3211 Church Street
Valatie, NY 12184
November 21, 2013**

Approved

MINUTES

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, November 21, 2013 beginning at 7:00pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Andy Howard, Town Attorney
Patrick Prendergast, Engineer
Peter Haemmerlein
Guy Rivenburgh
Jake Samascott
Dale Berlin
Chris Simonsen
William Butcher
Cheryl Gilbert
Daniel Weiller
Nataly Dee, Secretary

Excused:

None

Absent:

None

B. Correspondence

1. Review of Minutes:

October 10, 2013 – Workshop
October 18, 2013 – Meeting

Minutes will be tabled until next month pending further review.

C. Public Hearings

None

D. Old Business

1. Henry Kazer: Major Subdivision - County Route 28

Mr. VanAlstyne reported that work on the project is ongoing.

2. Dollar General: Site Plan Review – US Route 9

Mr. Tim O'Brien addressed the Board and provided an update on the project. He stated that a survey had been done noting that there are 41 trees on site that are greater than 8" in diameter. As a result, the landscaping around the perimeter of the property has been increased to allow for additional trees. The location of signs are still shown on the current plans, however, they have been removed from the application at this time. Signage will be addressed at a later date. To address the grading, Mr. O'Brien pointed out the catch basins added to the site at the request of Mr. Prendergast. The grading will remain the same as will the swale at the front. Due to the change in pitch of the roof, more downspouts will have to be added (exact location still to be determined). Next, Mr. O'Brien addressed the lighting, noting that the new box lights will be down-lighted and shielded; wattage rated at 50 watts and 40watts and now meets the requirements of the Code. Shoebox lights are still proposed for the parking area. Pole height was adjusted to 20'. The revised architecture was reviewed. The roof line is now at an 8' on 12' pitch. Snow breaks are also shown. The height of the building will now measure 37', under the 40' as stipulated by the Code. Dimensions of the windows were noted. A fence will be added in the back to additionally shield the HVAC. The propane tank was moved further to the rear and

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placed below grade to eliminate the need for bollards. Curb stops were removed to aid in snow removal.

Mr. O'Brien presented research regarding parking requirements of other local municipalities as well as information regarding parking at other Dollar General sites. He also submitted an Agricultural Data Statement. The project will now need two variances: parking and sliding glass doors.

Mr. Simonsen inquired about the possibility of trading awnings for shutters around the windows. Mr. O'Brien said he would investigate. A short discussion of the glazing of the windows ensued. Additional inquiries were made about the sliding glass doors. Mr. O'Brien stated that there would be two sets of doors separated by a vestibule. He also spoke to the rationale in favor of having sliding glass doors noting that they increase accessibility and are more energy efficient. Mr. Prendergast inquired about the quality of the pavement. Mr. O'Brien hasn't yet heard back from DOT. Minor corrections to SWPP will be made prior to submission. The parking spaces were discussed. Mention was made of the trend toward decreased impervious area.

Mr. Howard suggested the Board now needs to make an opinion regarding the two variances before the ZBA. Based on the items reviewed by the attorney and discussed by the Board, the Board could entertain making a favorable recommendation regarding the requested variances.

A motion to make a favorable recommendation to the Zoning Board of Appeals regarding the parking variance was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor; none opposed. Motion carried.

A motion to make a favorable recommendation to the Zoning Board of Appeals regarding the improvement of sliding glass doors due to the increased accessibility and energy efficiency was made by Mr. Haemmerlein. Motion seconded by Mr. Rivenburgh. All in favor; none opposed. Motion carried.

3. Mutsu, LLC – 5 Sunset Ave, Kinderhook: Site Plan Review for Building Permit of proposed housing on Albany Ave.

Mr. Samascott and Mr. Berlin recused themselves from the proceedings.

Mr. Van Alstyne addressed the Board, distributed revised plans, and reviewed the project. The project is a Site Plan Review for proposed three unit apartment house for permanent farm worker housing. The property is located just north of the Village of Kinderhook. The parcel is approximately 54 acres. The well location was added to the site plan as requested. The septic has been approved by the Health Department (letter to be submitted). Mr. Jeff Pinkowski and Mr. John Novine were also in attendance to represent the project.

Mr. Prendergast commented about archaeologically sensitive areas noting it is now being required on the new Environmental Assessment Forms. He noted that these particular applicants are not being required by the State to provide this information, however it may be an issue for future projects.

Mr. Howard spoke about the interplay of Ag and Markets noting State Code 305(A) regarding this project and the process of an expedited review of the site plan. Mr. Howard provided a brief history for the Board of this project noting that the Building Department issued a Building Permit to the applicant and allowed work to begin. The Building Department consulted with Mr. Howard who recommended that under State Code section 305(A) an expedited review should be conducted which would provide a detailed sketch plan and ensure that the Health Department approvals have been obtained. Should the Board feel that the design standards have been met, the Board could proceed with an expedited review process and make a finding that the health and safety standards under the various state codes have been met; and direct the Building Department to oversee the development of the farmer housing with the provision that it is indeed farmer housing, and that then there would be a record of that It was noted that work has ceased at the site pending these proceedings.

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\$50 fee will be submitted for Site Plan Review. A Public Hearing will not have to be held. The new Short Environmental Assessment Form was reviewed by the attorney:

Short Environmental Assessment Form: Part 2-Impact Assessment:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? *Proposed answer is no.*
2. Will the proposed action result in a change in the use or intensity of use of land? *Proposed answer is no.*
3. Will the proposed action impair the character or quality of the existing community? *Proposed answer is no.*
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? *Proposed answer is no.*
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? *Proposed answer is no.*
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? *Proposed answer is no.*
7. Will the proposed action impact existing:
 - a. public / private water supplies? *Proposed answer is no.*
 - b. public / private wastewater treatment? *Proposed answer is no.*
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? *Proposed answer is no.*
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, Water bodies, groundwater, air quality, flora and fauna)? *Proposed answer is no.*
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? *Proposed answer is no.*
11. Will the proposed action create a hazard to environmental resources or human health? *Proposed answer is no.*

A motion to issue a Negative Declaration was made by Mr. Simonsen. Motion seconded by Mr. Weiller. All in favor; none opposed. Motion carried.

The Board could entertain a resolution.

A motion was made by Mr. Simonsen to deem the project preempted by Ag and Markets regulation 305(A) directing the Building Department to continue with their review of the construction under the New York State Building Code, the New York State Sanitary Code, and also confirm compliance and approval by the Columbia County Department of Health with regard to the waste water system; and furthermore, placing them on notice that any future applications for farm worker housing need to be referred to the Planning Board for expedited review in conformity with Ag and Markets 305(A), and that no permit be issued until such review has occurred. Motion seconded by Mr. Weiller. All in favor; none opposed. Motion carried.

Mr. Samascott and Mr. Berlin rejoined the proceedings

4. Paul & Michelle Carey – 1312 Old Post Road, Valatie: Lot Line Adjustment/Minor Subdivision

Mr. Haemmerlein recused himself.

Mr. VanAlstyne addressed the Board and distributed revised plans. A letter of permission to represent was submitted. Full application and SEQR were submitted. A few changes were pointed out by Mr. VanAlstyne. The pullout area on the driveway was noted. Bearing and distance notation was made to the original Haemmerlein portion of the property line. The dimension which signifies the width of the strip of the Haemmerlein piece going back 30' was noted. A letter from the Department of Health approving the septic was submitted (letter was reviewed by the Engineer). There was a discussion of the grade of the proposed driveway. Additional work needs to be done to determine the grade of the slope. The curb cut application is

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in progress. The utilities will be buried along the driveway; a note can be added to the plans. The project does not need to be referred to County Planning.

A motion to deem the application substantially complete and set the Public Hearing for Thursday, December 19 at 7:05pm was made by Mr. Butcher. Motion seconded by Mr. Simonsen. All in favor; none opposed. Motion carried.

5. Joan & Joseph Urbatis – 404 Fischer Rd, Kinderhook: Minor Subdivision

Mr. VanAlstyne addressed the Board and distributed revised plans. A letter of permission to represent was submitted. Mr. VanAlstyne noted that there is an existing driveway and will not require a new curb cut. The Board was in agreement that due to the small amount of the property within the Town of Ghent, the Ghent Planning Board will not need to be notified regarding this action. Mr. Howard suggested that they could be notified about the Public Hearing.

A motion to deem the application substantially complete and set the Public Hearing for Thursday, December 19, 2013 at 7:15pm was made by Mr. Berlin. Motion seconded by Ms. Gilbert. All in favor; none opposed. Motion carried.

E. New Business

None

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards: Nothing to report. County Planning meeting: Ms. Gilbert commented that Spencertown was looking at the issue of ridgelines. She also recommended that the members be aware of and use Patrice Perry at the County as a resource as she is available and knowledgeable.

2. Town Board: The Town Clerk's Office was dedicated in memory of Mrs. Butcher.

3. Comprehensive Plan Review Committee: The Town Board kept the meeting opened and rescheduled for next month. There are issues regarding curb cuts and shared access to commercial properties. It is felt by some that these provisions do not support economic development. Further, it was held that if these provisions are merely advisory and not required, they should be eliminated from the plan.

4. NYSEG Project: Nothing new to report.

H. Other

1. Public Comment

A motion to adjourn was made by Mr. Berlin. Motion seconded by Ms. Gilbert. All in favor; motion carried. Meeting adjourned at 8:48pm.

Respectfully submitted,

Nataly Dee, Secretary